

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES ROBERT BOWES,

Plaintiff,

V.

CITY OF ST. LOUIS, MISSOURI and
GREGORY F.X. DALY,

Defendants.

No. 4:23 CV 974 CDP

MEMORANDUM AND ORDER

This matter comes before the Court *sua sponte* on its own motion.

Charles Robert Bowes, who proceeds in this matter pro se, filed his original complaint in this action on August 2, 2023, without payment of the Court's filing fee or a motion to proceed without prepayment of fees and costs. He filed an amended complaint on August 14 and paid the full filing fee. On August 17, Bowes filed a second amended complaint (ECF 4), which is now the operative complaint before the Court. A review of the file shows that Bowes has not submitted any summonses or waiver-of-service forms with his complaint(s).

Because Bowes paid the full filing fee, neither the Court nor the United States Marshal Service performs service of process. Instead, Bowes is responsible

for serving defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure.¹ Listed below are two options for service of process. Bowes must follow one of these two options:

Option I: Bowes must serve defendants with summonses. To do so, Bowes must submit to the Court for *each* defendant: i) a file-stamped copy of his second amended complaint; ii) a completed summons form (AO Form 440); and iii) a completed “Notice of Intent to Use Private Process Server” form. The “Notice of Intent to Use Private Process Server” form must include the name and address of the process server who will be effectuating service upon defendants. Bowes must complete these forms and return them to the Clerk’s Office. Once Bowes submits these forms, the Clerk’s Office will sign and seal his summonses and return them to him. The summonses must then be served upon defendants by a private process server and return of service must be filed with the Court. Attached to this Order are the necessary forms for service of the second amended complaint by summons.

Or in the alternative,

Option II: Bowes has the option of electing to serve defendants with the “Waiver of Service” form pursuant to Federal Rule of Civil Procedure 4(d). If Bowes uses this option, he must complete a “Waiver of Service” form for each

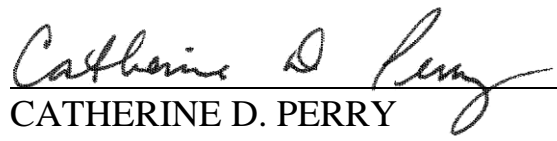
¹ I am aware that despite no indication that he has been served with process, defendant Gregory F.X. Daly has entered his appearance through counsel and has filed a motion to dismiss.

defendant. Bowes must then send the “Waiver of Service” form to each defendant, along with a copy of the second amended complaint and a self-addressed and stamped envelope.² The Court will order the Clerk to forward these forms with the copy of this Order. If defendants choose not to waive service, Bowes will then need to use a private process server as described above in Option I.

Accordingly,

IT IS HEREBY ORDERED that Bowes shall cause service to be effected upon defendants **no later than ninety (90) days from the date of this Order**. In the absence of good cause shown, failure to timely serve a defendant may result in the dismissal of Bowes’s claims against that defendant without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall forward to Bowes with a copy of this Order, and for each defendant: i) a file-stamped copy of the second amended complaint; ii) a summons form; iii) a “Notice of Intent to Use Private Process Server” form; and iv) a “Waiver of Service” form.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of August, 2023.

²If Bowes chooses to serve defendants by waiver, he should file a notice with the Court informing the Court of his intention. Additionally, after a defendant signs one copy of the waiver and returns it to Bowes, Bowes should file his copy of the signed waiver with the Court.